

**REMARKS**

Claims 1-4, 6-18, 21-24, 27-29, 32, 33, 36 and 37 have been examined on their merits.

Applicant thanks the Patent Office for indicating that claims 1-4, 6-18, 21-24, 27, 29, 32, 33 and 36 are allowed.

Claims 1-4, 6-18, 21-24, 27-29, 32, 33, 36 and 37 are all the claims presently pending in the application.

1. Claims 28 and 37 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant traverses the § 101 rejection of claims 28 and 37 for at least the reasons discussed below.

Applicant herein amends claims 28 and 37 to recite a tangible computer readable medium that is encoded with software instructions that enable a computer to perform predetermined operations as recited in claims 28 and 37, respectively. Applicant submits that claims 28 and 37 now comply with the requirements of *In re Lowry*, 32 F.3d 1579, 32 U.S.P.Q.2d 1031 (Fed. Cir. 1994), in that claims 28 and 37 both recite a tangible computer readable medium encoded with the software instructions for enabling the computer to perform predetermined operations.

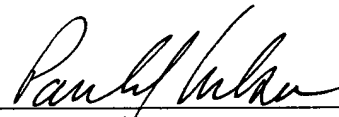
Based on the foregoing reasons, Applicant submits that claims 28 and 37 are now in condition for allowance, and respectfully requests that the Patent Office reconsider and withdraw the § 101 rejection of claims 28 and 37.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/520,890  
ATTORNEY DOCKET NO. Q55501

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON OFFICE

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